

UNITED STATES MAGISTRATE COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : CRIM. No. 11-652 (SDW)
:
v. : STAY PENDING APPEAL
: F.R.A.P. 8(a)(2)(A)(ii); 18 U.S.C. §
: 3143; F.R.Cr.P. 38(B)(1)
JOHN MARTINEZ :
:

WHEREAS, Defendant John Martinez was sentenced by United States Magistrate Judge Anthony R. Mautone, to 10 days imprisonment on September 22, 2011, (Andrea D. Bergman, Assistant Federal Public Defender, appearing on behalf of John Martinez, and Christopher Huling, Special Assistant United States Attorney, appearing on behalf of the Government), and

WHEREAS, Defendant John Martinez made motion for Stay Pending appeal to the Magistrate Judge (Mag. No. 11-9006 ARM) on September 22, 2011 and the motion was denied; and

WHEREAS, the Magistrate Judge granted Defendant's Motion for Voluntary Surrender and ordered his surrender to the United States Marshals service on October 6, 2011; and

WHEREAS, Special Assistant United States Attorney Christopher Huling does not oppose Defendant's motion for Stay Pending Appeal, and

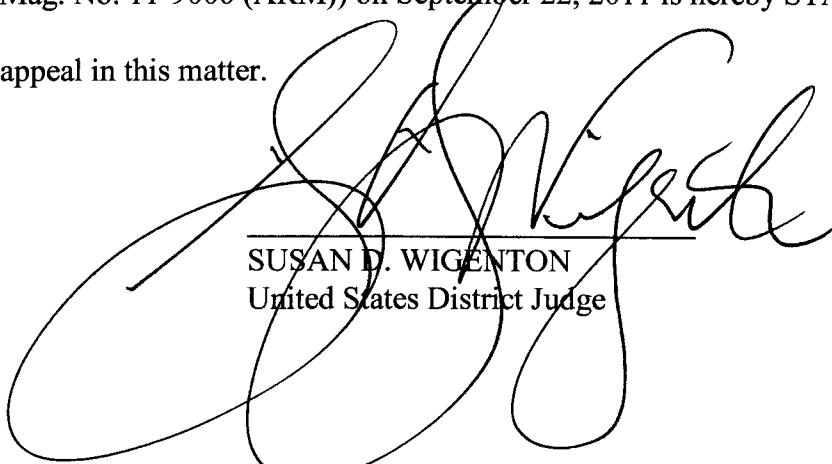
WHEREAS, Notice of Appeal was filed in this Court on September 27, 2011, and

WHEREAS, this Court finds that Defendant John Martinez has not filed the Motion for Stay Pending Appeal for purposes of delay; and

WHEREAS, this Court finds that Stay Pending Appeal is necessary to permit John Martinez to assert his appellate rights, and because denial of the Motion could irreparably prejudice John

Martinez because he is currently ordered to surrender on October 6, 2011 for a ten day jail sentence,

IT IS, on this 3rd day of October, 2011 HEREBY ORDERED, that the sentence imposed by the Magistrate Judge (Mag. No. 11-9006 (ARM)) on September 22, 2011 is hereby STAYED pending resolution of the appeal in this matter.



SUSAN D. WIGENTON
United States District Judge